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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,543	01/05/2005	Edgar Poellmann	Vinazzner 3	9291
23474	7590	05/04/2007		
FLYNN THIEL BOUTELL & TANIS, P.C. 2026 RAMBLING ROAD KALAMAZOO, MI 49008-1631			EXAMINER MEYER, KATY E	
			ART UNIT 3618	PAPER NUMBER
			MAIL DATE 05/04/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/520,543

Applicant(s)

POELLMANN, EDGAR

Examiner

Katy Meyer

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/5/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 1, 5, 6, and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Regarding claim 1, the phrase "preferably" (lines 9 and 11) renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

Regarding claims 1, 5, and 6, the phrase "in particular" (claim 1, line 3; claim 5, line 3; claim 6, line 7) renders the claims indefinite because it is unclear whether the interface element must be a rail or guide element.

Regarding claims 5 and 8, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim 5 recites the limitation "the connecting elements" in line 2 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Regarding claim 6, the phrase "if necessary" (line 4) renders the claim indefinite because it is unclear whether the limitations following (or preceding) the phrase are part of the claimed invention.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 3, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Harris (US 4,871,337).**

As for claim 1, Harris discloses a sliding board (10), comprising an interface element (34) connected to the sliding board for arranging of binding elements on the upper side of the sliding board, characterized in that a cradle or cassette (18) is integrated into the sliding-board body, on which the interface element (34) is anchored, whereby the cradle or cassette (18) is connected to further sliding-board parts through a foamed core (16).

As for claim 3, Harris further discloses a cradle having a number of locking openings (22), in which connecting elements (24) of the interface element are anchored.

As for claim 5, Harris further discloses connecting elements (24) of the interface element that penetrate through holes constructed in the layers of the sliding board upper parts (see Fig. 3).

**Claims 6 – 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Piegay (US 5,836,604).**

As for claim 6, Piegay discloses a method for the manufacture of a sliding board, in particular a ski or a snowboard, where a preformed sliding-board upper part having

an upper cup (12) is connected to a sliding-board lower part (8) having steel edges (9), and foam (13) is introduced, characterized in that during the assembly of the sliding-board parts or layers at least one interface element (23) for arranging and guiding of a binding part is anchored (see 21, Fig. 4) on a cradle or cassette (22) positioned between sliding-board parts, foam is subsequently introduced so that the interface element and the cradle or cassette are connected with one another, to the foam and the further sliding-board parts.

As for claim 7, Piegay further discloses a foam core (see Fig. 4).

As for claim 8, Piegay discloses foam (13) that is distributed through openings, holes or the like provided in the cradle or cassette within the sliding-board body (see openings in the cradle or cassette (16) in Fig. 10).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harris (US 4,871,337) in view of Piegay (US 5,836,604).**

Harris meets all the limitations of the claimed invention, but does not disclose intersecting bars or supports, and openings in the cradle or cassette. Piegay teaches such openings in the cradle or cassette (see Fig. 10) and intersecting bars or supports (16, 15b). It would have been obvious to one of ordinary skill in the art at the time the

invention was made to make the sliding board taught by Harris with the cradle containing openings taught by Piegay, so that the interior of the ski would not be divided into multiple cavities, which would need to be injected with foam in separate processes.

**Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harris (US 4,871,337) in view of Allman et al. (US 6,641,162).**

Harris meets the limitations of the claimed invention, but does not disclose a clasp connection between the connecting elements and the locking openings. Allman teaches a sliding board comprising a connecting element (16) connected to a cradle (17) via a clasp connection (see Fig. 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made that the clasp connection taught by Allman et al. is an obvious variation of the screw connection taught by Harris.

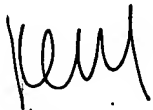
### ***Conclusion***

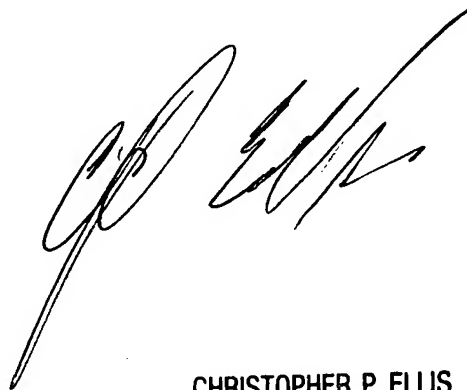
The prior art made of record, but not relied upon is considered pertinent to applicant's disclosure. Riepler (US 7,011,331), Matsuda (US 3,915,456), Restani (US 7,192,048), Andrus (US 6,612,605), and Kennedy (US 3,352,566) all teach sliding boards and methods of manufacturing thereof.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katy Meyer whose telephone number is 571-272-5830. The examiner can normally be reached on Monday - Friday, 7:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on 571-272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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